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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SEYE, ABDOU K

ART UNIT

PAPER NUMBER

2194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/828,402	Applicant(s) SHERWANI, ADIL A.	
	Examiner Abdou Karim Seye	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/2008; 01/26/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37, are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-37 are rejected under 35 U.S.C. 103 (a) as unpatentable over Neulist et al. (US 20040208132) in view of Slik (US 6725274).

4. As to claim 20, Neulist teaches the invention substantially as claimed including one or more computer readable media comprising computer executable instruction that, when executed on a computer, direct the computer to:

listen at an application programming interface (A, Fig. 1, paragraph 54) for a notification from at least one software component (20, Figure 1; paragraph 54) included in a topology (paragraph 64) of said software components, wherein the notification indicates that a change is to be made to the topology (Figure 2; paragraph 64) that

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includes: one or more media sources individual ones of which serving as a source of a media stream (Figure 2; paragraph 63);

one or more transforms communicatively linked with the one or more media sources (Figure 2; paragraph 60; paragraph 54) and configured to handle the media stream from the one or more media sources; and one or more media sinks configured to sink the media stream from the one or more transforms (figure 2; paragraph 63); and

when the notification is received, notify a media engine (WMG, Figure 1; paragraph 54) for reconfiguring the topology in accordance with the indicated change (Figure 3; paragraph 73-74).

5. Neulist does not teach explicitly reconfiguring the topology to form a reconfigured topology .

6. Slik teaches reconfiguring a mesh topology (FIG. 1/5; col. 4, lines 40-67 and col. 5, lines 1-5).

7. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Neulist's invention with Slik's to provide reconfiguration of topologies, because it would improve reliability of Neulist's system by providing alternate paths and a streaming media distribution architecture that is reliable and resistant to component failure.

8. As to claim Neulist 14, Neulist teaches the invention substantially as claimed including a method comprising:

listening at an application programming interface (A, Fig. 1, paragraph 54) for a notification indicating that a change is to be made to a first topology (Figure 2; paragraph 64; paragraph 74; wherein the “current topology” is the first topology) of software components that is: capable of streaming media (Figure 2; paragraph 63); and has an execution state relative to the streaming media (paragraph 72; wherein the claimed element “topology processing state” of neulist reference meets the claimed limitation of the claim);

to form a second said topology (paragraph 7-8 and 73; wherein the “new topology” is the second topology); and

initializing the second said topology (paragraph 7-8 and 73) to have an execution state that matches the execution state of the first topology (paragraph 74) , wherein at least one of the first or the second said topology have said software components that are distributed on a plurality of computing devices (abstract).

9. Neulist does not teach explicitly reconfiguring the first topology in accordance with the indicated change.

10. Slik teaches reconfiguring a mesh topology (FIG. 1/5; col. 4, lines 40-67 and col. 5, lines 1-5).

11. As to claim 15, Neulist teaches , wherein the plurality of computing devices is communicatively coupled via a network (abstract).

12. As to claim 16, Neulist teaches , wherein the at least one of the first or second topology have said software components that are distributed on a plurality of computing devices such that: one said software component is located on a first said computing device; and another said software component is located on a second said computing device (Figure 1; paragraph 54 and 56).

13. As to claim 17, Neulist teaches , wherein each said execution state includes execution characteristics that relate to the streaming media and are selected from the group consisting of: start; pause; stop; fast forward; rewind; slow motion; and position in the streaming media (paragraph 72).

14. As to claim 18, Neulist teaches, registering to receive the notification from an operating system (paragraph 6).

15. As to claim 19, it is rejected for the same reasons as claim 14 above.

16. As to claim 21, it is rejected for the same reasons as claim 18 above.
17. As to claims 22, Neulist teaches, wherein the change includes at least one of adding or removing one or more said software components to the topology that at least one of source or render the streaming media (paragraph 66).
18. As to claim 23, it is rejected for the same reasons as claim 15 above.
19. As to claim 24, it is rejected for the same reasons as claim 18 above.
20. As to claim 25, it is rejected for the same reasons as claim 14 above.
21. As to claim 26, it is rejected for the same reasons as claim 17 above.
22. As to claim 27-28, they are rejected for the same reasons as claim 14 above.
23. As to claims 29-30, they are rejected for the same reasons as claim 18 above.

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24. As to claim 31, Neulist teaches, wherein the computing device is communicatively coupled to the other computing device via an Internet (paragraph 3).

25. As to claim 32, it is rejected for the same reasons as claim 18 above.

26. As to claims 33-35, they are rejected for the same reasons as claims 14 and 18 above.

27. As to claims 36, it is rejected for the same reasons as claim 31 above.

28. As to claims 37, it is rejected for the same reasons as claim 17 above.

29. As to claim 1, it is rejected for the same reasons as claim 20 above.

30. As to claim 2, it is rejected rejected for the same reasons as claim 18 above.

31. As to claims 3-4, they are rejected for the same reasons as claim 14 above.

32. As to claim 5, Slik teaches, wherein the change includes at least one of adding or removing one or more streaming media software components to the topology (FIG. 5; col. 4, lines 39-65).

33. As to claim 6-8, they are rejected for the same reasons as claim 5 above.

34. As to claim 9, Slik teaches, wherein the topology of streaming media software components include: one or more media sources individual ones of which serving as a source of the streaming media (col. 4, lines 10-11) ; one or more transforms communicatively linked with the one or more media sources and configured to handle the streaming media from the one or more media sources (col. 4, lines 55-57); and one or more media sinks configured to sink the streaming media from the one or more transforms (col. 4, lines 11-12).

35. As to claim 10, it is rejected for the same reasons as claim 18 above.

36. As to claim 11, it is rejected for the same reasons as claim 14 above.

37. As to claim 12, it is rejected for the same reasons as claim 17 above.

38. As to claim 13, it is rejected for the same reasons as claim 14 above.

Conclusion

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194

/Abdou Karim Seye/
Examiner, Art Unit 2194